Hugh
JWLF
HR MF
Jack Anderson

3/3/72

Senator Philip Hart
Senate Office Bldg.,
Washington, D.C.

Dear Seantor Hart,

Were it not that so many Democrats announced the President is entitled to have his man as Attorney General, I would have written sooner. I am one who recalls Mr. Harding's exercise of this right and its consequences.

I have no way of knowing whether Mr. Kleindienst told your committee the truth. I do have a way of knowing his practise with regard to the truth and his record with regard to the most basic legal rights, of the accused and of the people to public information. It is of these things that I write.

Under the Freedom of Information law, 5 U.S.C. 552, I asked Mr. Kleindienst for public information, the affidavits produced in public and in court to effect the extradition of James Earl Ray from London. When a long time passed and I got no response, I engaged counsel. Under the Department's regulations, such requests go to the Deputy Attorney General. Ultimately, I had to file a civil action in Federal District Court in Washington, CA 718-70.

The second paragraph of Mr. Kleindienst's letter to my lawyer, dated November 13, 1969, among other things, addresses itself perfectly to Jack Anderson's statement of yesterday, that Mr. Kleindienst invents straw men, answers charges not made. This letter is Exhibit C in my complaint. Where I had asked for the affidavits produced by the United States to effect the extradition, Mr. Kleindienst wrote he had no documents "presented" to the Court by officials of the United Kingdon." If Mr. Kleindienst doesn't know better, it is a travesty to consider him for any office involving knowledge of the law.

Not satisfied with this, he described court records as "investigative files complied for law enforcement purposes and as such...exempt..." Again, he knew better, but if he didn't, how can he be Attorney General of the United States?

I spotted these defects and asked my lawyer to write Mr. Kleindienst again. He did. That letter, Exhibit D in the complaint, is also enclosed. I also asked that a similar request be made of the Secretary of State. It is Exhibit F, also enclosed.

Despite our "catching" him, with incredible arrogance, Mr. Kleindienst insisted on his pretense that we sought files of the British Government and that if he had them, they would be "investigative" rather than public, court records. (Exhibit E, enclosed.) He begins his letter of December 15, 1969 with the pretense that the Department had no such documents and closes claiming to "have given careful consideration to the statements in your letter we adhere to the view expressed in our previous com unication [sic]".

If the reply we received from the Deputy Legal Adviser is inaccurate on when the court records of the public trial of an American in a foreign country were confiscated by the American Government, which already had in its possession all other official copies, it is explicit in saying that the State Department had gotten them and had given them to Mr. Kleindienst! (Exhibit G, enclosed.)

Under Mr. Kleindienst, the Department stalled until the eve of the scheduled hearing in my suit. In the last minute Mr. Mitchell over-ruled Mr. Kleindienst and ruled that I would be given copies of these public records at my cost. Performance was so long delayed that I still had to go to court. Former Chief Judge Edward Curran gave the Department a week to deliver what was withheld. It didn't and I again went to court, where I was awarded a summary judgement. It required some skill on Mr. Kleindienst's part to arrange a summary judgement against his Department. He was equal to the task.

Even this does not begin to forecast what we can look forward to with Mr. Kleindienst as Attorney General. He did not, according to the in-court statement of the Department's staff lawyer, even give that lawyer what was supposed to have been given me until the night before the hearing. And were this not enough, that lawyer then submitted a perjurious affidavit to the court, falsely swearing that he had given me what he not only had not, and there were witnesses to our only meeting, including a member of the press, ~~while~~ but other of Mr. Kleindiesnt's subalterns assured I would have proof of the perjury by sending it later and with a covering letter.

The Department's and Mr. Kleindienst's personal violation of the law was heavy-handed and arrogant. It was also remarkably unimaginative. And rather than Mr. Kleindienst's pretense that he had no copies, he had duplicate copies! If my central point is to put you in a position to estimate the dependability of Mr. Kleindienst's word when he gives it to a committee charged with the responsibilities of yours, I also hope you will consider the kind of administration of justice we can anticipate from a man who has the court records of the trial of an American confiscated, then says he doesn't have them, and then says that court records are not public records but are "investigative" files.

If you are interested in the side issues, I can provide proof that these only official records of that trial outside the possession of the American government were confiscated prior to the time given by the Department of State and that under Mr. Kleindienst the Department of Justice classified them, then made two partial xeroxes of the cover, taped them together and gave that to me to hide the fact that it had classified court records, and were so intent upon keeping this impropriety secret that I was forced to take them to court. I still have this trickery in the envelope in which it was mailed, as I now have the full cover showing that the public, court record was classified. There is more, but I fear this is more than enough.

I did charge perjury. To this day Mr. Kleindienst has not responded. If anything has happened to the perjurer under him in the Department, I have not heard of it.

My apologies for the haste with which I prepare this. I will be fortunate if I can get it in our outgoing mail so that you can have it prior to the resumption of hearings. If you have any questions, please ask me. I am but an hour from Washington.

Sincerely,

Harold Weisberg